REMARKS

In the Office Action, claims 1-7, 9-14, 16, 17, 19, 20, 22-36 and 39-46 were rejected and claims 15, 18, 21, 37 and 38 were objected to. More specifically,

- Claims 1-7, 12-14, 16, 17, 19, 20, 22-36 and 39-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,317,834 (Gennaro);

- Claims 9-11 were rejected under 35 U.S.C. §103(a) as being obvious over Gennaro in view of U.S. Patent No. 5,596,718 (Boebert); and

- Claims 15, 18, 21, 37 and 38 were objected to as being dependent upon a rejected base claim, but being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 43 has been cancelled. Claims 18, 31, 42, 44 and 46 have been amended. Claims 18, 31 and 46 have been amended to correct matters of form and are non-narrowing. Support for the amendment of claims 42 and 44 may at least be found in paragraph 0047 of Applicants' originally filed specification. As such, no new matter has been added as a result of these amendments.

Upon entry of this Amendment and Response, claims 1-7, 9-42 and 44-46 will remain pending. For the reasons set forth below, Applicants request that the above-listed §§102(e) and 103(a) rejections be withdrawn.

Claims 1-7 and 9-29

Applicants submit that independent claim 1 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 1. *See* MPEP §2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in the single prior art reference). More particularly, Applicants submit that Gennaro fails to disclose at least the following limitations required by claim 1:

- "receiving a portion of user information used to enable the user to access the restricted area, **said information presented by a system operator**;" and

- "**communicating the identification code to the user.**"

Gennaro discloses a method of performing biometric authentication of a person's identity including a biometric template prior to storing it in a biometric database. Gennaro at Abstract. Gennaro further teaches that an individual wishing to enroll with the system supplies one or more of three inputs: a biometric sample, a password, and a personal identifier. *Id.* at 6:4-8. Likewise, Gennaro teaches that an individual seeking authorization with the system supplies one or more of the three inputs. *Id.* at 5:17-29.

However, Gennaro does not teach a system operator that presents user information used to enable the user to access the restricted area, as required by claim 1. Gennaro does not teach a system operator at all. In particular, Gennaro does not teach a system operator that enters user information or any other information. Indeed, the user himself enters all user information in Gennaro. As such, Gennaro does not teach "receiving a portion of user information used to enable the user to access the restricted area, **said information presented by a system operator**," as required by claim 1.

Furthermore, Gennaro does not teach communicating an identification code to the individual. In Gennaro, the system merely receives a personal identifier from the individual during either an enrollment operation or a verification operation. *Id.* at 6:4-8, 7:8-9, 7:57-58, 8:12-14, 9:1-3, 9:56-58, 10:42-43, 11:14-15, 12:20-23, 12:66-67, 14:5-7. The identification code is never sent to the individual. In contrast, claim 1 requires communicating the identification code to the user.

As such, Applicants submit that independent claim 1 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 1. *See* MPEP §2131. Applicants further submit that claims 2-7 and 9-29, which depend from and incorporate all of the limitations of claim 1, are also patentable over Gennaro. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejections and objections associated with claims 1-7 and 9-29 be withdrawn.

Claims 30-39

Applicants submit that independent claim 30 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 30. *See* MPEP §2131. More particularly, Applicants submit that Gennaro fails to disclose at least the following limitations required by claim 30:

- "receiving, **from the system operator**, defined access rights for a user of the biometric authentication system;" and

- "**communicating said identification code to the user**, said identification code enabling said user to activate said user record through the provision of a biometric sample."

Gennaro discloses a method of performing biometric authentication of a person's identity including a biometric template prior to storing it in a biometric database. Gennaro at Abstract. Gennaro further teaches that an individual wishing to enroll with the system supplies one or more of three inputs: a biometric sample, a password, and a personal identifier. *Id.* at 6:4-8. Likewise, Gennaro teaches that an individual seeking authorization with the system supplies one or more of the three inputs. *Id.* at 5:17-29.

However, Gennaro does not teach a system operator that presents defined access rights for a user of a biometric authentication system, as required by claim 30. Gennaro does not teach a system operator at all. In particular, Gennaro does not teach a system operator from which an access right or any other information is received. As such, Gennaro does not teach "receiving, **from the system operator**, defined access rights for a user of the biometric authentication system," as required by claim 30.

Furthermore, Gennaro does not teach communicating an identification code to the individual. In Gennaro, the system merely receives a personal identifier from the individual during either an enrollment operation or a verification operation. *Id.* at 6:4-8, 7:8-9, 7:57-58, 8:12-14, 9:1-3, 9:56-58, 10:42-43, 11:14-15, 12:20-23, 12:66-67, 14:5-7. The identification code is never sent to the individual. In contrast, claim 30 requires communicating the identification code to the user.

As such, Applicants submit that independent claim 30 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 30. *See* MPEP §2131. Applicants further submit that claims 31-39, which depend from and incorporate all of the limitations of claim 30, are also patentable over Gennaro. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejections and objections associated with claims 30-39 be withdrawn.

Claims 40 and 41

Applicants submit that independent claim 40 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 40. *See* MPEP §2131. More particularly, Applicants submit that Gennaro fails to disclose, among other things, "**communicating said identification codes to the respective users**," as required by claim 40.

For substantially the same reasons as set forth above in reference to claims 1 and 30, Applicants submit that independent claim 40 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 40. *See* MPEP §2131. Applicants further submit that claim 41, which depends from and incorporates all of the limitations of claim 40, is also patentable over Gennaro. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejections associated with claims 40 and 41 be withdrawn.

Claim 42

Applicants submit that amended independent claim 42 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of amended claim 42. *See* MPEP §2131. More particularly, Applicants submit that Gennaro fails to disclose at least the following limitations required by claim 42:

- "**generating, by the biometric system, an identification code**;" and
- "**communicating information pertaining to said identification code to said user**."

Gennaro discloses a method of performing biometric authentication of a person's identity including a biometric template prior to storing it in a biometric database. Gennaro at Abstract. Gennaro further teaches that an individual wishing to enroll with the system supplies one or more of three inputs: a biometric sample, a password, and a personal identifier. *Id.* at 6:4-8. Likewise, Gennaro teaches that an individual seeking authorization with the system supplies one or more of the three inputs. *Id.* at 5:17-29.

However, Gennaro does not teach that the biometric system generates any of such information, and, in particular, Gennaro does not teach that the biometric system generates an identification code. Instead, Gennaro teaches that all such information is provided by the user. *Id.* at 5:17-29, 6:4-8. In contrast, claim 42 requires the biometric system to generate an

identification code. Accordingly, Gennaro does not teach "generating, by the biometric system, an identification code," as required by amended claim 42.

Furthermore, Gennaro does not teach communicating information pertaining to an identification code to the individual. In Gennaro, the system merely receives a personal identifier from the individual during either an enrollment operation or a verification operation. *Id.* at 6:4-8, 7:8-9, 7:57-58, 8:12-14, 9:1-3, 9:56-58, 10:42-43, 11:14-15, 12:20-23, 12:66-67, 14:5-7. Neither the identification code nor information pertaining to the identification code is sent to the individual. In contrast, claim 42 requires communicating information pertaining to the identification code to the user.

As such, Applicants submit that independent claim 42 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 42. *See* MPEP §2131. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejection associated with claim 42 be withdrawn.

Claims 44 and 45

Applicants submit that amended independent claim 44 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of amended claim 44. *See* MPEP §2131. More particularly, Applicants submit that Gennaro fails to disclose, among other things, "**generating, by the biometric system, an identification code**," as required by claim 44.

For substantially the same reasons as set forth above in reference to claim 42, Applicants submit that independent claim 44 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 44. *See* MPEP §2131. Applicants further submit that claim 45, which depends from and incorporates all of the limitations of claim 44, is also patentable over Gennaro. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejections associated with claims 44 and 45 be withdrawn.

Claim 46

Applicants submit that independent claim 46 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 46. *See* MPEP §2131. More particularly, Applicants submit that Gennaro fails to disclose, among other things, at least

"**distributing a unique identification code to a user associated with the respective user record**," as required by claim 46.

Gennaro discloses a method of performing biometric authentication of a person's identity including a biometric template prior to storing it in a biometric database. Gennaro at Abstract. Gennaro further teaches that an individual wishing to enroll with the system supplies one or more of three inputs: a biometric sample, a password, and a personal identifier. *Id.* at 6:4-8. Likewise, Gennaro teaches that an individual seeking authorization with the system supplies one or more of the three inputs. *Id.* at 5:17-29.

However, Gennaro does not teach distributing an identification code to the individual. In Gennaro, the system merely receives a personal identifier from the individual during either an enrollment operation or a verification operation. *Id.* at 6:4-8, 7:8-9, 7:57-58, 8:12-14, 9:1-3, 9:56-58, 10:42-43, 11:14-15, 12:20-23, 12:66-67, 14:5-7. The identification code is never distributed to the individual. In contrast, claim 46 requires distributing a unique identification code to a user.

As such, Applicants submit that independent claim 46 is not anticipated by Gennaro because Gennaro fails to disclose each and every element of claim 46. *See* MPEP §2131. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejection associated with claim 46 be withdrawn.
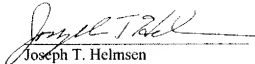
All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 05-0436.

Respectfully submitted,
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